PROVINCE OF SASKATCHEWAN

11-12

ANNUAL REPORT

MINISTRY OF JUSTICE AND ATTORNEY GENERAL

Freedom of Information
and Protection of Privacy

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This annual report is also available in electronic form from the Ministry's website at **www.justice.gov.sk.ca**

Letters of Transmittal

Her Honour the Honourable Vaughn Solomon Schofield,
Lieutenant Governor of Saskatchewan

May it Please Your Honour:

In accordance with Section 63(1) of *The Freedom of Information and Protection of Privacy Act*, I have the pleasure to transmit to your Honour the 2011-12 annual report of the administration of this Act and the Regulations within each government institution during the period of April 1, 2011 to March 31, 2012.

Respectfully submitted,

Gordon S. Wyant, Q.C.
Minister of Justice and Attorney General

Governing Legislation

The Freedom of Information and Protection of Privacy Act

The Act has two main purposes:

- It provides a right of access to records in the possession or control of provincial government institutions; and
- It establishes protection of privacy rules specifying how the government collects, uses and discloses personal information.

The Act applies to records maintained in written, photographic, audiovisual, computer-generated and other formats.

Government Institutions

The Act applies to all ministries, secretariats and similar agencies of the executive government of Saskatchewan. The regulations extend that coverage to a broad range of Crown corporations, boards, commissions and others prescribed as government institutions.

The Act applies individually to each government institution. The head of the government institution, as defined in the Act, is responsible for many decisions under the Act, including responses to applications for access. Under section 60 of the Act, the head may delegate the powers to one or more officers of the government institution.

Access to Records

The Act gives individuals the right of access to records of Saskatchewan government institutions. The Act sets out the rules that govern the process, including:

- how a government institution must respond;
- the collection of fees to prepare the records for response, including when to provide a cost estimate and when the head may waive those fees;
- a 30-calendar-day time limit for a response, which may be extended in accordance with the Act;
- reasons for which access to all or part of a record may be denied; and
- the right of the applicant to request a review by the Information and Privacy Commissioner in certain circumstances.

Privacy

The Freedom of Information and Protection of Privacy Act establishes rules for the collection, use and disclosure of personal information by the Government of Saskatchewan and its agencies, thus helping to protect individual privacy.

Government institutions are individually responsible for protecting the privacy of personal information in their possession or control.

Ministry of Justice and Attorney General

Role of Ministry of Justice and Attorney General

The Ministry of Justice and Attorney General (the Ministry) provides direction and support to government institutions and to the public as it relates to *The Freedom of Information and Protection of Privacy Act*. The Ministry:

- provides legal advice to government;
- provides a leadership role within government on access and privacy issues, including the collection of statistical information related to access to information requests and the preparation of this annual report;
- prepares and maintains access and privacy tools, such as guidelines, checklists and administrative procedures;
- provides and supports training and awareness regarding access and privacy; and
- maintains a website (**www.justice.gov.sk.ca/accessandprivacy**) providing information to the public, government institutions and local authorities to help with understanding both the access to information and the privacy components of the legislation.

Significant Activities in 2011-12

The Ministry continued efforts to raise awareness of obligations under the Act. This included:

- delivering training sessions;
- hosting a Privacy and Security Awareness Expo in May 2011 which provided government employees an opportunity to learn more about access and privacy laws, security of information and records management in a conference and exposition environment;
- holding a Lean event to identify possible improvements and efficiencies in the processing of access to information requests received in government under the Act;
- hosting regular Access and Privacy Forums for government officials to improve knowledge of the law and consistency of practice;
- continuing development of standardized guidelines and interpretive materials to improve understanding and compliance with the law; and
- continuing to respond to requests for assistance from government, local authorities and the public to help with understanding and compliance with access and privacy matters.

Reports

The Ministry collects and reports statistical information regarding the exercise of and compliance with access rights under the Act. These reports provide statistical information both by individual government institutions and by the total provincial government administration.

The statistical reports are in the Appendix and include:

Table A - Freedom of Information Statistical Summary Report

- Table A provides an overview of access to information requests processed by all government institutions. It includes the total number of applications received by government, the status of the applications, the processing time to complete the applications, and the fees estimated and collected to process requests for the fiscal years 2007-08 through 2011-12.

Table B - Exemptions Used to Deny Access

- Table B presents a statistical summary of the exemptions applied to deny access for the fiscal years 2007-08 through 2011-12. These statistics are presented by mandatory exemptions, discretionary exemptions and other.

Table C - Freedom of Information Statistics by Institution - Applications for General Information

- Table C is a statistical report showing the number of general information requests received by each government institution, the action taken on those requests and the fees estimated and collected. If an institution is not listed, it did not receive any general information requests during the 2011-12 fiscal year.
- Applications for general information are requests for records in the possession or under the control of a government institution other than those described as personal information in section 24 of the Act.

Table D - Freedom of Information Statistics by Institution - Applications for Personal Information

- Table D shows the number of personal information requests received by each institution, the action taken on those requests and the fees estimated and collected. If a government institution is not listed, it did not receive any personal information requests during the 2011-12 fiscal year.
- Applications for personal information are requests for records in the possession or under the control of a government institution described in section 24 of the Act.

Analysis

Number of Access to Information Requests Processed

In 2011-12, provincial government institutions processed a total of 1,591 access to information requests – 1,074 requests for personal information and 517 for general information. This is an increase over the 1,470 processed in 2010-11 and a substantial increase over the previous four-year average of 831.

In 2011-12, the number of requests for general information dropped 32 per cent from 2010-11, while the number of requests for personal information rose 37 per cent.

Figure 1 shows the number of requests processed by government institutions in each of the past five fiscal years.

Number of access to information requests processed 2007-08 to 2011-12

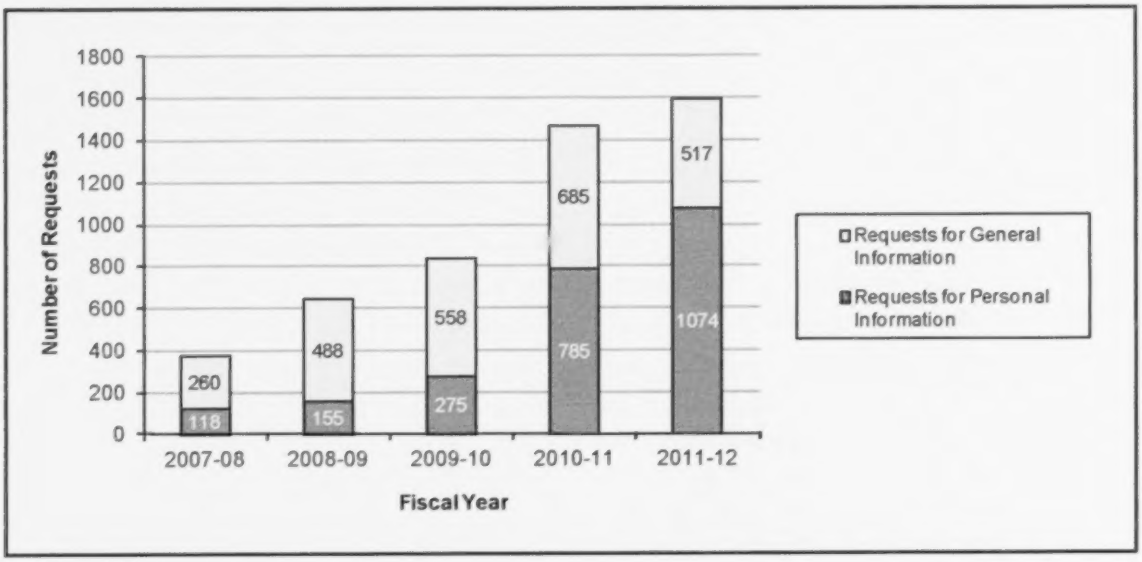

Figure 1

See Tables A, C and D in the Appendix for more details.

Access Request Processing Times

The Freedom of Information and Protection of Privacy Act provides a 30-calendar-day time period for responding to access requests. There are provisions in the Act to extend the response time up to an additional 30 calendar-days in limited circumstances (outlined in section 12 of the Act).

On average, in the fiscal years 2007-08 to 2011-12, provincial government institutions have responded to access requests within 30 calendar-days 83 per cent of the time.

When combined with the allowable extension of 30 calendar-days under section 12 of the Act, the average response rate rose to 96 per cent over this same five-year period.

In 2011-12, government institutions responded within 30 calendar-days 91 per cent of the time and within 60 calendar-days 98 per cent of the time, well over the five-year average within 30 calendar-days and just over the five-year average within 60 calendar-days.

Access request processing times (personal and general) 2007-08 to 2011-12

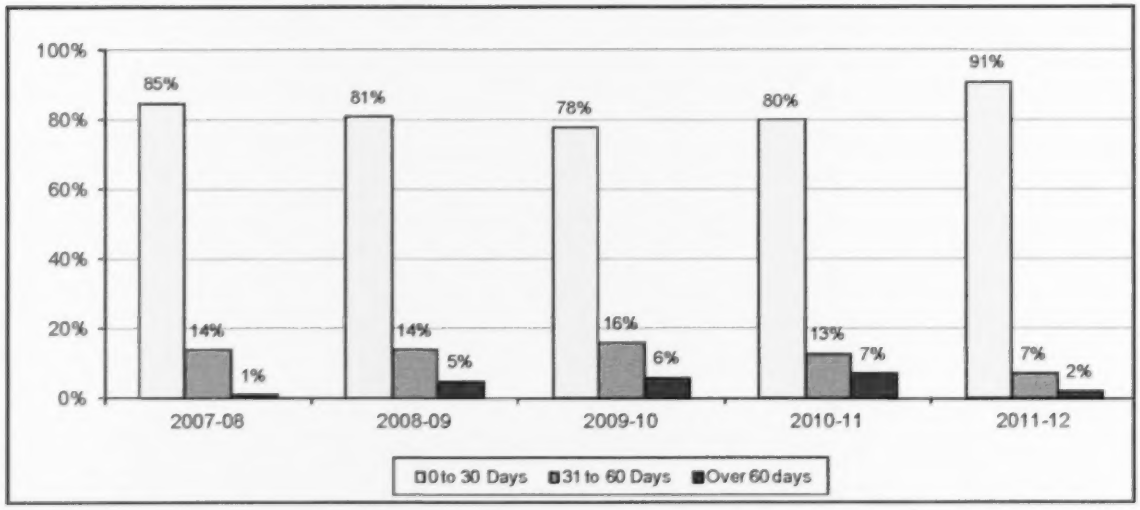

Figure 2

See Table A in the Appendix for more details.

Application Outcomes – General Information Requests

Table A, in the Appendix, shows the status of applications received by government institutions including: if access to the record was granted, denied, or partially granted; if the Act was not required for access; if the record did not exist; or if the record could not be found.

The following chart shows application outcomes for access to information requests for general information. This includes results for the 2011-12 fiscal year and the average of the four previous fiscal years (2007-08 through 2010-11).

In 2011-12, 48 per cent of requests for general information were fully granted. This is an increase from 2010-11 (41 per cent) and is above the four-year average of 43 per cent.

The number of access requests fully denied in 2011-12 was 5 per cent, below the previous four-year average of 10 per cent.

The number of access requests for general information that were partially granted was 15 per cent, down from the previous four-year average of 18 per cent.

The number of access requests for general information where the records did not exist rose from the previous four-year average of 27 per cent to 31 per cent in 2011-12.

Application outcomes (general requests) 2011-12 compared to four-year average (2007-08 to 2010-11)

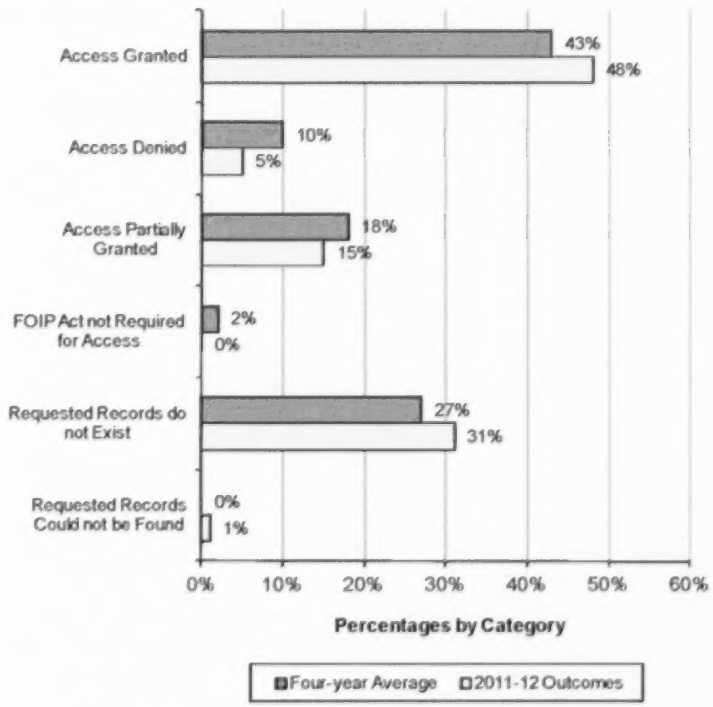

Figure 3

See Tables A and C in the Appendix for more details.

Application Outcomes – Personal Information Requests

Figure 4, below, shows the outcomes for access to information requests for personal information. This includes the result for the 2011-12 fiscal year and the average of the four previous fiscal years (2007-08 through 2010-11).

In 2011-12, 35 per cent of access requests for personal information were fully granted. This is an increase from 2010-11 (29 per cent) and also higher than the four-year average of 27 per cent.

The number of access requests partially granted in 2011-12 was 28 per cent. This is lower than the four-year average of 34 per cent.

In the 2011-12 fiscal year, 0.005 per cent of requests for personal information were fully denied, substantially lower than the four-year average of 11 per cent.

The number of access requests for personal information where the records did not exist was 36 per cent in 2011-12, compared to a four-year average of 23 per cent.

Application outcomes (personal requests) 2011-12 compared to four-year average (2007-08 to 2010-11)

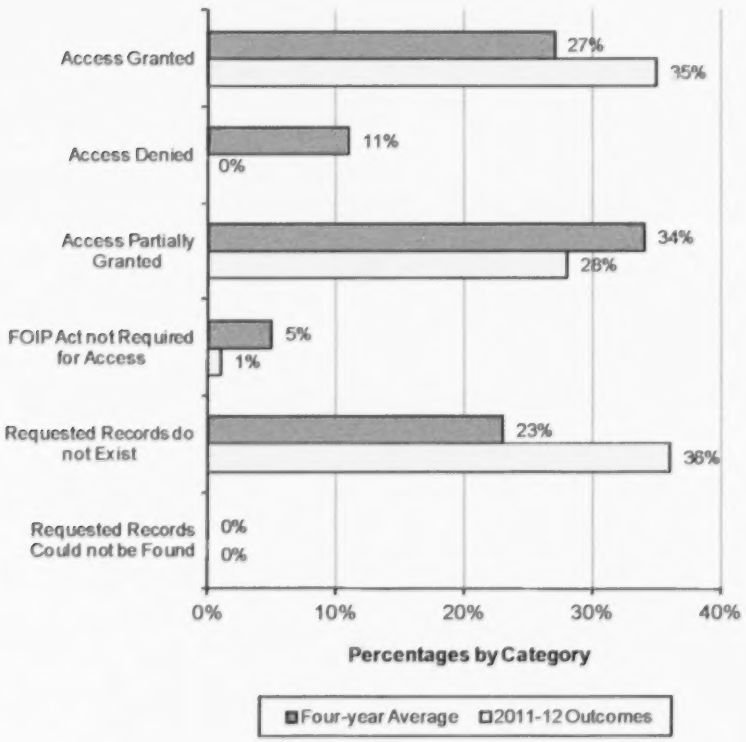

Figure 4

See Tables A and D in the Appendix for more details.

Appeals to the Information and Privacy Commissioner

Section 49 of *The Freedom of Information and Protection of Privacy Act* provides applicants with a right of review by the Information and Privacy Commissioner:

- where an applicant is not satisfied with the decision of a head ...;
- where a head fails to respond to an application for access to a record within the required time; or
- where an applicant requests a correction of personal information ... and the correction is not made.

Section 33 of the Act provides the Information and Privacy Commissioner with the authority to conduct privacy investigations.

Further details on reviews and investigations can be found in the Information and Privacy Commissioner's Annual Report available at **www.oipc.sk.ca.**

For More Information

For more information about access to records and protection of privacy in the Government of Saskatchewan, visit:
www.justice.gov.sk.ca/accessandprivacy

Table A
Freedom of Information Statistical Summary Report
2007-08 to 2011-12

	2007-08 Fiscal Year		2008-09 Fiscal Year		2009-10 Fiscal Year		2010-11 Fiscal Year		2011-12 Fiscal Year	
	Personal	General	Personal	General	Personal	General	Personal	General	Personal	General
Applications Received	129	317	172	551	397	684	718	755	1148	529
Plus: Applications Carried Forward From Last Year	14	44	14	30	16	50	154	80	65	80
Less: Applications Withdrawn	6	31	9	29	18	25	15	42	63	28
Less: Applications Carried Forward to Next Year	14	30	16	50	113	121	65	80	74	51
Less: Applications Transferred Pursuant to Section 11	5	40	6	14	7	30	7	28	2	13
Total Applications Processed	**118**	**260**	**155**	**488**	**275**	**558**	**785**	**685**	**1074**	**517**
Applications Status										
Access Granted	37	119	51	226	43	209	225	284	372	249
Access Denied	12	38	10	42	70	63	13	43	5	28
Partially Granted	51	53	61	78	81	120	191	95	300	75
Do Not Require FOI for Access	3	7	11	22	20	6	15	4	9	2
Records Do Not Exist	15	43	22	119	61	158	341	252	388	160
Records Could Not Be Found	0	0	0	1	0	2	0	7	0	3
Totals	**118**	**260**	**155**	**488**	**275**	**558**	**785**	**685**	**1074**	**517**
Processimg Time of Applications Completed										
Processed Within 30 Days	108	213	135	386	214	433	639	539	998	455
Processed Within 31-60 Days	8	44	12	79	32	100	71	119	60	52
Processed In More than 60 Days	2	3	8	23	29	25	75	27	16	10
Totals	**118**	**260**	**155**	**488**	**275**	**558**	**785**	**685**	**1074**	**517**
Total Fees Estimated	**$143,099**	**$35,133**	**$45,445**	**$206,226**	**$4,436**	**$85,746**	**$98**	**$108,336**	**$887**	**$53,652**
Total Fees Collected	**$296**	**$1,828**	**$101**	**$99,917**	**$75**	**$3,720**	**$134**	**$6,213**	**$810**	**$8,050**

The total fees estimated can vary significantly from the total fees collected. The total fees estimated is the cost assessed to process applications as determined by the fee structure outlined in the Regulations. The total fees collected refer to fees actually collected from the applicants. The applicant has several options in regard to the fees. The applicant can: modify the application in order to reduce the costs, request a waiver of the fees, or decide not to pay the fees and therefore not receive access to the records. The Regulations (Section 9) are very specific regarding the types of circumstances in which the Head can waive fees.

The number of personal information requests and the number of general information requests carried over from 2009-10 do not correspond directly to the number of requests received in each of those two categories in 2010-11. However, when the two categories are combined, the number of requests carried over are the same as the number received. Eighty-two access requests previously classified as general were reclassified as personal requests. A number of these were carried over into 2010-11.

Table B Exemptions Used to Deny Access 2007-08 to 2011-12						
Mandatory Exemptions	**Section**	**2007-08 Fiscal Year**	**2008-09 Fiscal Year**	**2009-10 Fiscal Year**	**2010-11 Fiscal Year**	**2011-12 Fiscal Year**
Records from Other Governments	13(1)	5	21	52	33	10
Cabinet Documents	16	11	31	82	49	27
Third Party Information	19	49	99	142	105	72
Confidentiality Provisions in Other Enactments	23	5	12	15	22	9
Disclosure of Personal Information	29	78	94	124	248	334
Personal Information of a Deceased Individual	30	0	0	0	0	3
Totals		**148**	**257**	**415**	**457**	**455**
Discretionary Exemptions	**Section**					
Records from Local Authorities	13(2)	3	5	9	3	5
Information Injurious to Intergovernmental Relations	14	3	7	20	7	12
Law Enforcement and Investigations	15	28	31	67	93	35
Advice from Officials	17	91	162	296	148	114
Economic and Other Interests	18	20	97	96	67	34
Testing Procedures, Tests and Audits	20	1	4	10	5	4
Danger to Health or Safety	21	12	8	6	4	1
Solicitor-Client Privilege	22	47	53	30	44	32
Individual's Access to Personal Information	31(2)	1	2	1	371	1
Totals		**206**	**369**	**535**	**742**	**238**
Other Exemptions	**Section**					
Not a Government Institution	2(1)d	0	2	1	3	0
Published Material or Public Record	3(1)a,b,c	9	25	29	16	3
Existing Rights Preserved	4	0	10	19	14	0
Right of Access Defined	5	0	0	3	0	0
Unable to Identify a Record	6(3)	0	2	0	1	0
Published Material or Material that is to be Published	7(2)b,c	0	2	2	2	0
Records Do Not Exist	7(2)e	55	155	294	605	569
Refuse to Confirm/Deny Records Exist	7(4)	0	0	0	1	0
Totals		**64**	**196**	**348**	**642**	**572**

The numbers in these columns indicate every time an exemption was used to deny access fully or in part. The exemption may be used several times in relation to an individual application and more than one exemption may be used for each application.

Table C - Freedom of Information Statistics by Institution-Applications for General Information - 2011-12 Fiscal Year Part 1 - Applications Processed						
Institution	Number Carried Forward From Previous Fiscal Year	Plus (+): Number Received	Less (-): Number Transferred	Less (-): Number Withdrawn	Less (-): Number Carried Forward To Next Fiscal Year	Total Number Processed
Advanced Education, Employment and Immigration	1	7	2	0	1	5
Agriculture	1	6	0	1	1	5
Corrections, Public Safety and Policing	2	35	0	0	2	35
Education	1	13	0	1	1	12
eHealth Saskatchewan	0	1	0	0	0	1
Energy and Resources	2	12	1	0	0	13
Enterprise Saskatchewan	0	2	0	0	0	2
Environment	11	202	1	5	24	183
Executive Council	12	37	1	0	1	47
Finance	2	3	1	0	1	3
First Nations and Métis Relations	1	2	0	0	0	3
Government Services	0	2	0	0	0	2
Health	8	37	2	2	5	36
Highways and Infrastructure	1	6	0	0	1	6
Information Services Corporation	0	2	0	0	0	2
Justice and Attorney General	3	9	0	4	2	6
Labour Relations and Workplace Safety	4	32	1	1	1	33
Municipal Affairs	0	10	0	0	1	9
Public Complaints Commission	1	0	0	0	0	1
Public Service Commission	2	9	0	2	1	8
Saskatchewan Crop Insurance Corporation	1	1	0	0	0	2
Saskatchewan Financial Services Commission	1	1	0	0	0	2
Saskatchewan Gaming Corporation	0	1	0	0	0	1
Saskatchewan Government Insurance	2	2	0	1	0	3
Saskatchewan Housing Corporation	1	2	0	1	0	2
Saskatchewan Human Rights Commission	1	2	0	0	1	2
Saskatchewan Liquor and Gaming Authority	4	20	0	1	0	23
Saskatchewan Power Corporation	6	41	0	3	1	43
Saskatchewan Telecommunications	0	2	0	0	1	1
Saskatchewan Watershed Authority	1	3	0	0	1	3
SaskEnergy Incorporated	0	6	0	0	0	6
Social Services	10	14	4	3	5	12
Technical Safety Authority of Saskatchewan	0	1	0	0	0	1
Tourism, Parks, Culture and Sport	0	4	0	2	0	2
Wascana Centre Authority	1	0	0	1	0	0
Workers' Compensation Board	0	2	0	0	0	2
Totals	**80**	**529**	**13**	**28**	**51**	**517**

Table C - Freedom of Information Statistics by Institution - Applications for General Information - 2011-12 Fiscal Year Part 2 - Applications Status									
Institution	Access Granted	Access Denied	Access Partially Denied	FOI Not Required For Access	Records Do Not Exist	Records Could Not Be Found	Totals	Fees Estimated	Fees Collected
Advanced Education, Employment and Immigration	1	0	3	0	0	1	5	-	-
Agriculture	4	0	0	0	1	0	5	-	-
Corrections, Public Safety and Policing	22	3	9	0	1	0	35	-	-
Education	6	1	3	0	2	0	12	-	-
eHealth Saskatchewan	0	0	0	0	1	0	1	-	-
Energy and Resources	3	4	4	0	2	0	13	$9,936.00	$854.75
Enterprise Saskatchewan	1	0	0	0	1	0	2	-	-
Environment	109	1	4	0	69	0	183	$10,342.50	$3,773.25
Executive Council	3	0	0	0	44	0	47	$5,947.50	-
Finance	1	1	1	0	0	0	3	$2,652.50	$237.50
First Nations and Métis Relations	1	0	0	1	1	0	3	-	-
Government Services	0	0	1	0	1	0	2	-	-
Health	14	0	14	0	8	0	36	-	-
Highways and Infrastructure	4	0	0	0	0	2	6	$144.50	-
Information Services Corporation	1	0	1	0	0	0	2	-	-
Justice and Attorney General	2	4	0	0	0	0	6	-	-
Labour Relations and Workplace Safety	10	5	10	0	8	0	33	$5,190.00	-
Municipal Affairs	2	1	2	0	4	0	9	-	-
Public Complaints Commission	0	0	1	0	0	0	1	-	-
Public Service Commission	5	0	2	0	1	0	8	-	-
Saskatchewan Crop Insurance Corporation	1	1	0	0	0	0	2	-	-
Saskatchewan Financial Services Commission	0	0	2	0	0	0	2	-	-
Saskatchewan Gaming Corporation	0	1	0	0	0	0	1	-	-
Saskatchewan Government Insurance	1	0	1	0	1	0	3	-	-
Saskatchewan Housing Corporation	0	0	1	0	1	0	2	-	-
Saskatchewan Human Rights Commission	0	0	2	0	0	0	2	$509.75	$287.25
Saskatchewan Liquor and Gaming Authority	21	0	1	0	1	0	23	-	-
Saskatchewan Power Corporation	27	2	6	1	7	0	43	-	-
Saskatchewan Telecommunications	0	1	0	0	0	0	1	$1,680.00	-
Saskatchewan Watershed Authority	2	0	0	0	1	0	3	-	-
SaskEnergy Incorporated	2	0	4	0	0	0	6	$17,200.00	-
Social Services	5	1	2	0	4	0	12	-	$2,897.50
Technical Safety Authority of Saskatchewan	1	0	0	0	0	0	1	-	-
Tourism, Parks, Culture and Sport	0	0	1	0	1	0	2	-	-
Wascana Centre Authority	0	0	0	0	0	0	0	$48.75	-
Workers' Compensation Board	0	2	0	0	0	0	2	-	-
Totals	**249**	**28**	**75**	**2**	**160**	**3**	**517**	**$53,651.50**	**$8,050.25**

Table D - Freedom of Information Statistics by Institution - Applications for Personal Information - 2011-12 Fiscal Year Part 1 - Applications Processed						
Institution	Number Carried Forward From Previous Fiscal Year	Plus (+): Number Received	Less (-): Number Transferred	Less (-): Number Withdrawn	Less (-): Number Carried Forward To Next Fiscal Year	Total Number Processed
Advanced Education, Employment and Immigration	0	3	0	0	0	3
Corrections, Public Safety and Policing	7	644	1	7	43	600
Finance	0	3	0	0	0	3
Information Services Corporation	0	1	0	0	0	1
Justice and Attorney General	41	307	0	42	16	290
Office of Residential Tenancies	0	2	0	0	0	2
Public Complaints Commission	0	1	0	0	0	1
Public Service Commission	1	2	0	0	0	3
Saskatchewan Apprenticeship and Trade Certification Commission	0	1	0	0	0	1
Saskatchewan Financial Services Commission	0	1	0	0	0	1
Saskatchewan Gaming Corporation	0	2	0	0	0	2
Saskatchewan Government Insurance	2	39	0	2	1	38
Saskatchewan Housing Corporation	0	5	0	0	1	4
Saskatchewan Legal Aid Commission	0	1	0	0	0	1
Saskatchewan Municipal Board	0	1	0	0	0	1
Saskatchewan Power Corporation	0	1	0	0	0	1
Saskatchewan Telecommunications	0	1	0	0	0	1
SaskEnergy Incorporated	0	1	0	0	0	1
Social Services	14	128	1	12	13	116
Workers' Compensation Board	0	4	0	0	0	4
Totals	**65**	**1148**	**2**	**63**	**74**	**1074**

Table D - Freedom of Information Statistics by Institution - Applications for Personal Information - 2011-12 Fiscal Year Part 2 - Applications Status									
Institution	Access Granted	Access Denied	Access Partially Denied	FOI Not Required For Access	Records Do Not Exist	Records Could Not Be Found	Totals	Fees Estimated	Fees Collected
Advanced Education, Employment and Immigration	1	0	2	0	0	0	3	-	-
Corrections, Public Safety and Policing	81	0	246	0	273	0	600	-	-
Finance	3	0	0	0	0	0	3	-	-
Information Services Corporation	0	0	0	0	1	0	1	-	-
Justice and Attorney General	202	0	1	0	87	0	290	-	-
Office of Residential Tenancies	1	0	1	0	0	0	2	-	-
Public Complaints Commission	1	0	0	0	0	0	1	-	-
Public Service Commission	1	1	1	0	0	0	3	$129.50	$52.50
Saskatchewan Apprenticeship and Trade Certification Commission	1	0	0	0	0	0	1	-	-
Saskatchewan Financial Services Commission	0	0	1	0	0	0	1	-	-
Saskatchewan Gaming Corporation	2	0	0	0	0	0	2	-	-
Saskatchewan Government Insurance	7	1	21	0	9	0	38	-	-
Saskatchewan Housing Corporation	1	0	1	0	2	0	4	$15.25	$15.25
Saskatchewan Legal Aid Commission	1	0	0	0	0	0	1	-	-
Saskatchewan Municipal Board	0	0	1	0	0	0	1	-	-
Saskatchewan Power Corporation	0	0	1	0	0	0	1	-	-
Saskatchewan Telecommunications	1	0	0	0	0	0	1	-	-
SaskEnergy Incorporated	0	0	1	0	0	0	1	-	-
Social Services	66	3	22	9	16	0	116	$742.00	$742.00
Workers' Compensation Board	3	0	1	0	0	0	4	-	-
Totals	**372**	**5**	**300**	**9**	**388**	**0**	**1074**	**$886.75**	**$809.75**